



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS


Department of Planning and Development
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Public Hearing Date:	September 22, 2009
Land Use Action Date:	November 17, 2009
Board of Aldermen Action Date:	December 7, 2009
90-Day Expiration Date:	December 21, 2009

DATE: September 18, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner 
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: KARAMEH HAWASH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and to construct a new single-family dwelling, which will exceed the allowable floor area ratio from .3 to .33 at 45 VILLAGE CIRCLE, Newton Centre, Ward 8, on land known as Sec 81, Blk 3, Lot 14, containing approximately 10,037 sf in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15, Table 1 Footnote 5 of the City of Newton Rev Zoning Ord, 2007.

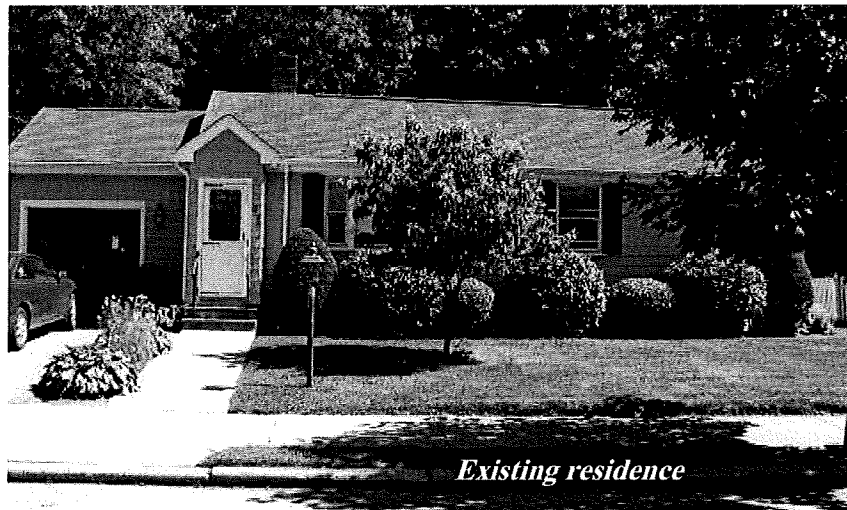
CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



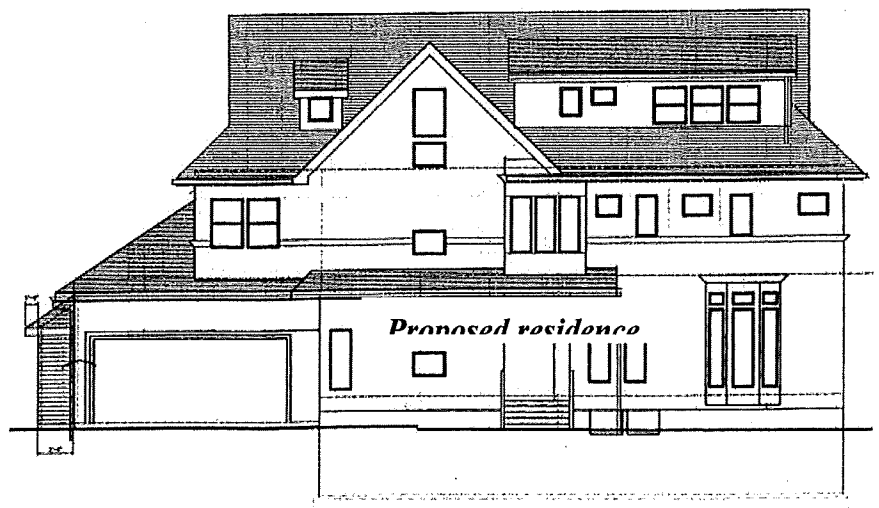
EXECUTIVE SUMMARY

The petitioner is proposing to demolish the existing single-family home and to construct a 2½-story home in its place. The existing single-family residence is located on a 10,037 sq. ft. lot and is currently conforming with respect to Floor Area Ratio (FAR). The proposed addition will exceed the allowable FAR by approximately 230 sq. ft. The *2007 Newton Comprehensive Plan* encourages preservation of existing neighborhoods. Although the proposed residence will be significantly larger than the existing structure, it appears to be in scale with several neighboring residences that have been renovated or reconstructed recently. The proposed residence should not significantly change the character of the immediate neighborhood because of the changes that have already occurred in it.



I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale and design of other structures in the immediate neighborhood.



II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD



A. Neighborhood and Zoning

The property is located on Village Circle in Oak Hill, adjacent to Hartman Road and several blocks away from Brown Middle School. It is located within a Single Residence 2 District (*SEE ATTACHMENTS "A" AND "B"*), and the neighborhood is characterized by single-family detached residences. This neighborhood was originally subdivided for development of residences between 1945 and 1965. All but one of the lots in the vicinity of this property are between 10,000 and 20,000 sq. ft. in area. Those buildings represent a variety of mid-twentieth century architectural styles.

The floor area ratios of these houses range between 0.13 and 0.36.

▲ *Adjacent houses along Village Circle* ▲

Many of the structures in the immediate vicinity have been substantially renovated and expanded. A new house in the same style as these recent projects is currently being constructed across the street from the petitioner's residence. These houses are substantially larger than the existing house at 45 Village Circle, and the proposed construction is in scale with these newly constructed neighboring houses.



B. **Site**

The 10,037 sq. ft. site is relatively flat and contains one single-family home. The existing house is a one-story ranch style house that includes an attached one-car garage.

PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the single-family residence are proposed.

B. Building and Site Design

The petitioner proposes to demolish the existing single-family house and to construct a new 2½- story single-family home on the site. While the existing house is 1,434 sq. ft, the proposed residence is 3,343 sq. ft. with an FAR of .33, which exceeds the allowable total FAR of .3 in a Single Residence 2 District. The design is constrained by the petitioner's desire to use a portion of the existing house foundation. The proposed house will use the footprint of the existing house and will include a wing that extends into the existing rear yard.

Because the petitioner proposes to the demolish the entire existing house and because the new construction will not meet the post-1953 setbacks, the additional FAR "bump" of .05, provided by the August, 10 2009 amendment to the City's Zoning Ordinance (*Ordinance No.Z-51*), does not apply.

C. Landscape Screening

The petitioner has not proposed any additional landscape screening as part of the project. *The Planning Department recommends that the petitioner install additional landscaping to minimize the impact of the increase in the size of the dwelling on this property.*

III. CITY'S COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* encourages preservation of existing neighborhoods. While the Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families, this proposal entails *more than doubling* the size of the existing residence. In addition, it entails the demolition of the existing house and will not preserve the existing single-family residence. Nonetheless, because of the recent construction of large houses in the immediate neighborhood, the proposed house should be in scale with many of its neighbors.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated July 9, 2009 (*SEE ATTACHMENT "C"*), provides an analysis of the proposal with regard to Section 30-15 Table 3. A special permit is required for the construction of a new house that exceeds the allowable FAR included in Section 30-15 Table 1. If the petitioner had chosen to expand the existing house rather than demolishing it or if the proposal was designed to meet the post-1953 setbacks, the "temporary" additional FAR relief, provided by the August 10, 2009 amendment to the City's Zoning

Ordinance (*Ordinance No.Z-51*), would have allowed the project to proceed by-right. The petitioner chose to pursue a special permit for this proposal rather than pursue a by-right option.

B. Other Reviews

1. Engineering. The Associate City Engineer reviewed the plans (*SEE ATTACHMENT "D"*) and notes a number of issues that will need to be addressed prior to the Working Session regarding drainage and water and sewer services.
2. Fire Department. Fire accessibility review is not required for the construction of a single-family home.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, dated July 9, 2009 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-15, Table 1, Footnote 5, to construct a new house that exceeds the allowable FAR;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

VI. SUMMARY OF PETITIONER'S RESPONSIBILITIES

Before the Working Session, the petitioner should provide several additional items:

- Drainage calculations for the proposed recharge system;
- Verification of the type of heating system and inclusion of a gas trap in the sump pump system as necessary;
- Detailed profile of water and sewer services as well as engineering plans showing the locations of sewer manholes; and
- Revised plans that include additional notes as specified in the memorandum from the Associate City Engineer (*SEE ATTACHMENT "D"*).

VII. FINDINGS AND CONDITIONS

When taking action on this proposal, the Land Use Committee should determine whether the increase in FAR would be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhoods. The Committee may also want to consider additional findings such as:

- The use as developed and operated will not adversely affect the neighborhood
- The site plan presents no nuisance or serious hazard to vehicles or pedestrians
- Major topographical changes, tree and soil removals have been avoided
- The petitioner will install landscape that shall screen the size of the proposed construction
- The proposed construction is consistent with the goals of the 2007 *Newton Comprehensive Plan* because the new structure is compatible with the evolving character of the neighborhood and enables the occupants to meet the housing needs of today's families.

ATTACHMENTS

- ATTACHMENT A:*** *Zoning Map*
ATTACHMENT B: *Land Use Map*
ATTACHMENT C: *Zoning Review Memorandum, dated July 9, 2009*
ATTACHMENT D: *Engineering Memorandum, dated September 2, 2009*

Zoning Map

45 Village Circle and Vicinity

City of Newton,
Massachusetts

Legend	
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use

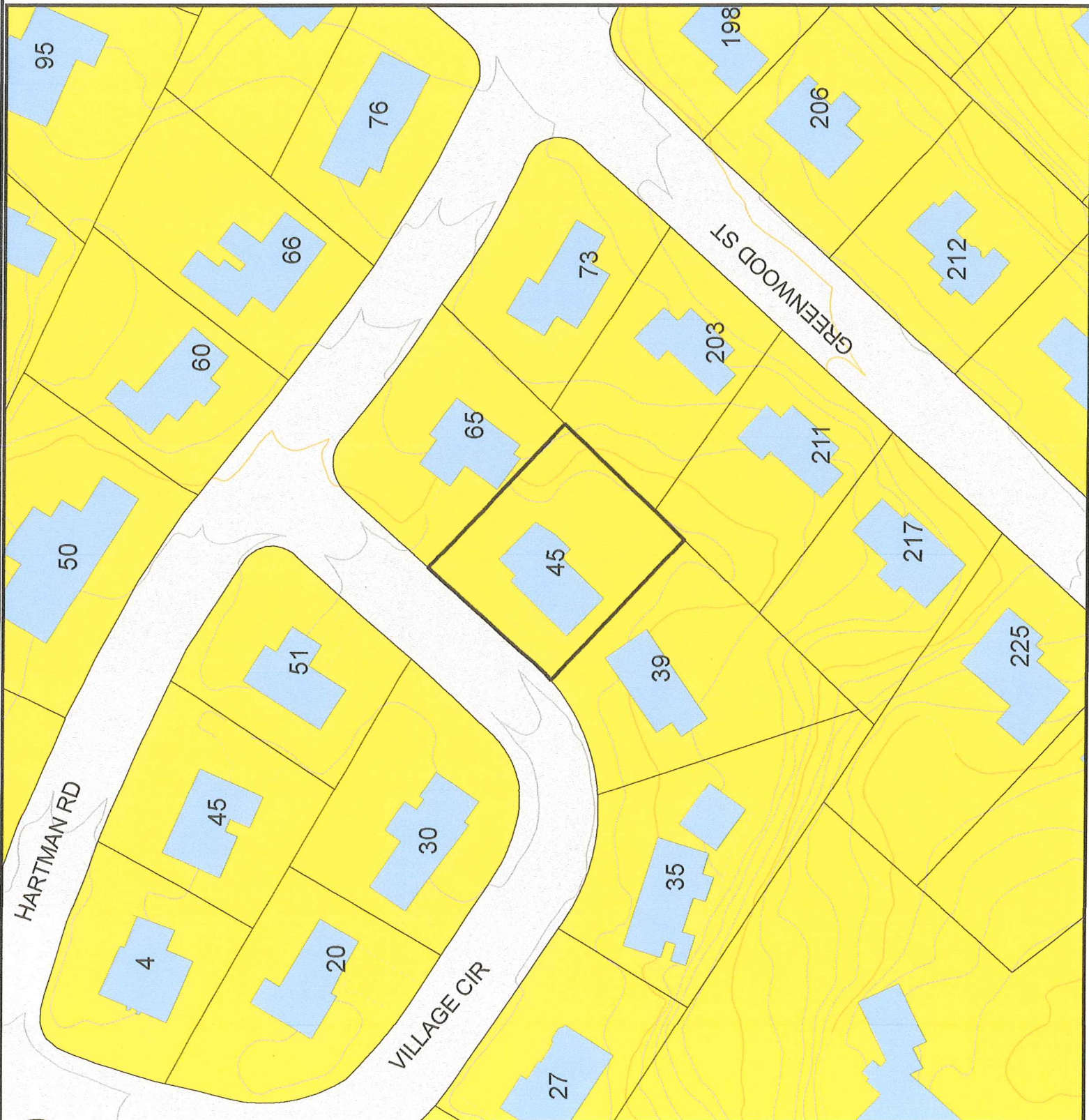
ATTACHMENT A



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their own purpose. City departments are not responsible for approving applications based on this map.

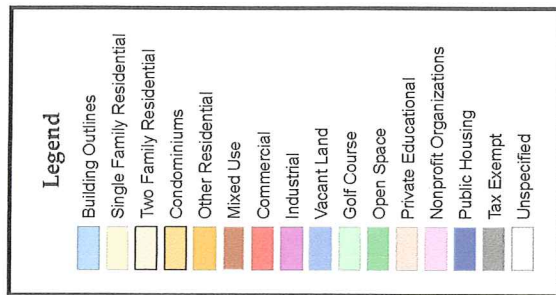
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MAP DATE: 1/1/2020



City of Newton,
Massachusetts

City of Newton,
Massachusetts

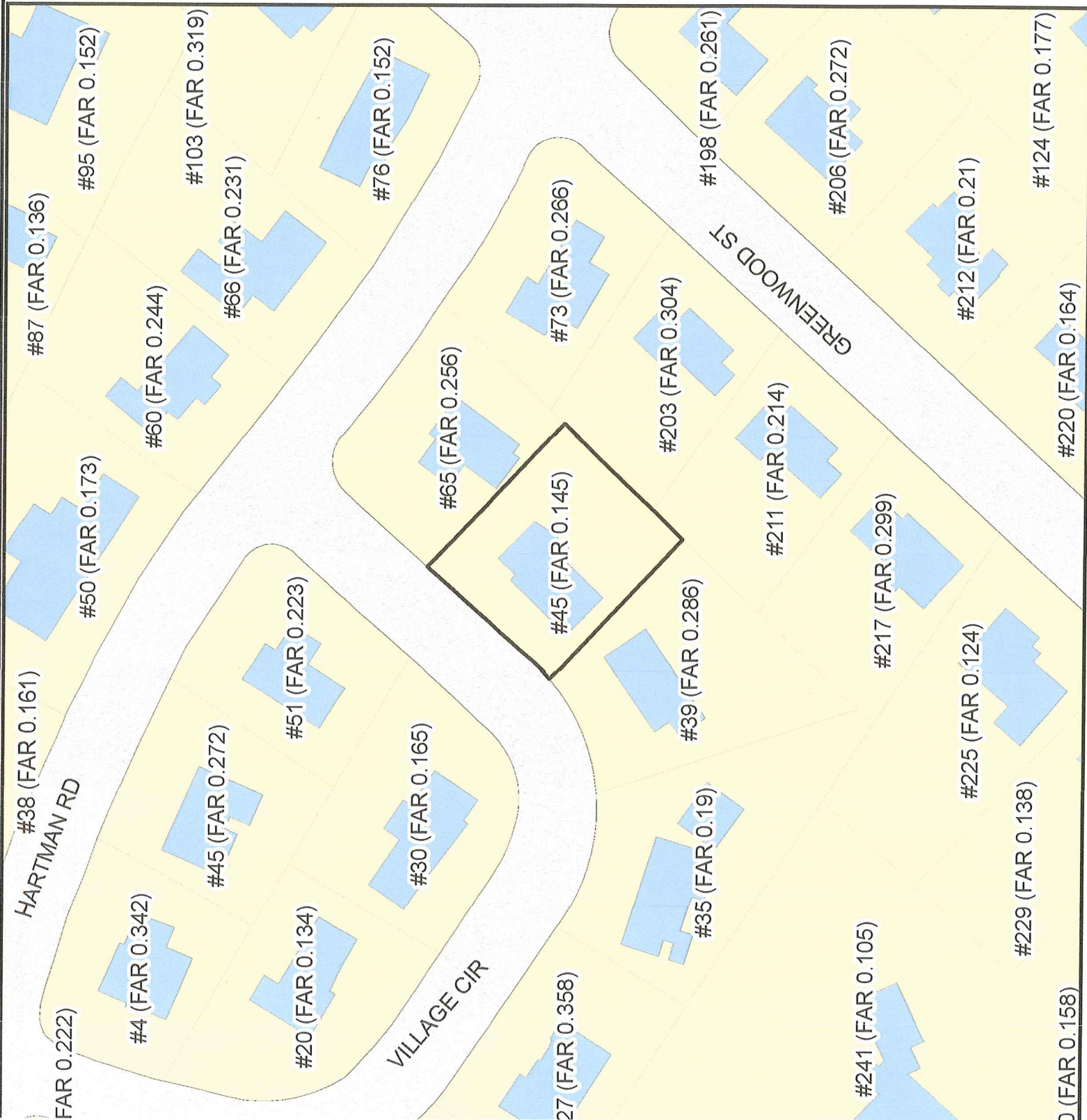


ATTACHMENT B

The information on this Geographic Information System cannot guarantee information. Each user of for determining its suitability. City department approve applications bas



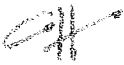
MAP DATE: /



Zoning Review Memorandum

Dt: July 9, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development
Robert Lauricella, architect for Karamah Hawash
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

Applicant: Karamah Hawash

Site: 45 Village Circle	SBL: Section 81, Block 3, Lot 14
Zoning: SR-2	Lot Area: 10,037 square feet
Current use: Single-family residence	Proposed use: Single-family residence

Background:

1. The subject property consists of a 10,037 square foot lot currently improved with a single-family residence. The applicants are proposing to demolish the existing house and rebuild on the existing foundation as well as expand the footprint.

Administrative determinations:

2. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR-2 Zone	Required/Allowed	Existing ¹	Proposed
Lot size	10,000 sq. ft.	10,037 sq. ft.	No change
Frontage	80 feet	91.90 feet	No change
Setbacks			
• Front	25 feet		28.3 feet
• Side	7.5 feet		9 feet
• Rear	15 feet		26.7 feet
FAR	.3		.33
Building Height	30 feet		28.9 feet ²
Maximum Stories	2.5		2.5
Max. Lot Coverage	30%		22.6%
Min. Open Space	50%		70.2%

¹ The existing house will be demolished so the dimensional standards of the existing house are not relevant to this review.

² The average natural grade is not accurately computed on the Plot Plan and should be recalculated according to the Zoning Ordinance definition for the special permit submission.

3. The proposed structure will exceed allowable Floor Area Ratio. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-15, Table 1, Footnote 5.

4. See "Zoning Relief Summary" below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-15, Table 1, Footnote 5	Exceed allowable FAR	SP per §30-24

Plans and materials reviewed:

- Letter from Robert M. Lauricella, Architect to Benjamin Solomon-Schwartz and Eve Tapper regarding special permit for 45 Village Circle
- "Certified Plot Plan, 45 Village Circle, Newton, MA, Kuemmerle/Hawash," signed and stamped by Ronald J. Natoli, Professional Land Surveyor, dated June 29, 2009
- "Zoning Summary" signed and stamped by Robert M Lauricella, Registered Architect, dated 6/30/09
- "L-1, Site Plan for Special Permit," signed and stamped by Robert M Lauricella, Registered Architect, dated 6/30/09
- "A-1.1A, 1st Floor Plan South Half," neither signed nor stamped by a licensed professional, dated 6-22-09
- "A-1.1B, 1st Floor Plan," neither signed nor stamped by a licensed professional, dated 6-22-09
- "A-1.2, 2nd Floor Plan," neither signed nor stamped by a licensed professional, dated 6-30-09
- "A-2.1, Front Elevation," neither signed nor stamped by a licensed professional, dated 6-30-09
- "A-2.2, Left Elevation," neither signed nor stamped by a licensed professional, dated 6-30-09
- "A-2.3, Rear Elevation," neither signed nor stamped by a licensed professional, dated 6-30-09
- "A-2.4, Right Elevation," neither signed nor stamped by a licensed professional, dated 6-29-09

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 45 Village Circle

Date: September 2, 2009

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Zoning Officer, (via email)
Benjamin Solomon Schwartz (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Proposed Stormwater Management Plan
Located at #45 Village Circle
Newton, MA
Prepared by: Decelle Group
Dated: June 30, 2009*

Drainage:

1. The site plan shows a proposed recharge system, however no calculations were submitted for verification. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period.
2. The plan also show
3. a sump pump system for the basement that is connecting into the City's drainage system; if the home is heated with oil heat, which if this is the case would have an oil tank and the possibility of contamination of the receiving waters; then an MDC gas trap is required prior to the connection to the City's drainage system. The homeowner is asked to verify (prove) the type of heating system, if the home has natural gas then the system as designed would be allowed, if the system has oil for a heat source, then the proposal must be modified.

4. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and adopted by applicant, incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
5. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the homeowner.
6. An approved type of siltation control is required for the construction.

Water & Sewer Connections:

1. It appears that the entire dwelling will be renovated, thus triggering the requirement for updating both water and sanitary sewer services. If the water service has been updated recently to Type K copper then it is acceptable, however if the service is steel pipe then the applicant is required to update the water service.
2. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer main need to match.
3. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
4. All utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.